to Group II. The Examiner bases lack of unity of invention from his view that "[c]learly, the special technical features are not the same" and a conclusion from the international search report that the claims are not "novel or cannot be considered to involve an inventive concept" (page 2, lines 15–23).

Applicants respectfully disagree with the Examiner's restriction. The claims of Groups I and II share the common technical feature of a regulatory T-cell comprising galectin-10 as a target or marker. The relationship between the galectin-10 as a target, comprising the claims of Group I, and an agent that binds that target, comprising the claims of Group II, demonstrates that the claims of both groups are in the same category. An analogy would be the unity of invention between a plug and a socket. Applicants do not believe it would be an undue burden for the Examiner to search subject matter related to the claims of both Group I and Group II. Moreover, the Examiner's subjective determination that the special technical features are different, without objective support for his conclusion, is insufficient basis for his finding. Accordingly, Applicants respectfully request that Groups I and II be rejoined and the claims considered on the merits as a single set of claims.

The Examiner further contends unity of invention is destroyed by Leiferman (J. Immunol. 1986 Feb 1; 136(3):852–5) because the reference discloses specific antibodies to CLC/galectin-10. Applicants believe the Examiner is mistaken. Leiferman disclose CLC/galectin-10 antibodies, but they do not disclose that these antibodies bind to regulatory CD4+CD25+ T-cells as required by claim 1 and, accordingly, claims 12–19. Leiferman disclose binding to CLC in eosinophils and basophils, but not to mast cells nor, significantly, to regulatory T-cells. Because Leiferman does not disclose every limitation of the restricted claims 12–19, the reference cannot

reasonably be seen to preclude Applicants' inventive concept. Applicants respectfully request reconsideration and rejoining of the species encompassed by claims 12–19.

Identically, the Examiner contends that unity of invention also does not exist between the species claimed in claims 18–19 and 25–26 because Leiferman disclose specific antibodies to CLC/galectin-10. The person of ordinary skill in the art would recognize all of the claimed species as maladies to which an autoimmune component has been attributed. While Leiferman disclose an anti-CLC/galectin-10 antibody, as above, Leiferman do not disclose that these antibodies bind to regulatory CD4+CD25+ T-cells as required by claim 1 and, therefore, dependent claims 18–19 and 25–26. Applicants' position stated in the preceding paragraph applies equally here, and a respectful request is made for reconsideration and rejoining of the species encompassed by claims 18–19 and 25–26.

The Examiner contends that claims 1–11 are generic and that SEQ ID NOs: 1, 2, 6 and 8–64 cannot involve an inventive concept, so do not fulfill the requirements for unity of invention because Ackerman (J. Immunol. 1993 Jan 15; 150(2):456–68) disclose the amino acid sequence of SEQ ID NO: 1. Applicants believe that the Examiner's restriction of the sequence species SEQ ID NOs: 1, 2, 6 and 8–64 is misplaced. While Ackerman appear to disclose the identical sequence to SEQ ID NO: 1, Ackerman do not disclose the further limitations comprising claims 4–6, which comprise a claim the sequence species. Moreover, claims 1–3 and 7–11, which the Examiner also asserts are generic, do not necessarily claim the exact sequence of the disclosed sequences, but, rather, claim the polypeptide galectin-10 in order to encompass within the scope of the claims any polymorphisms present within those allowable under the doctrine of equivalents, yet which do not change the claimed functional identity of the polypeptide. As with the Leiferman reference, Ackerman disclose the presence of CLC in eosinophils, but apparently

not in regulatory T-cells as claimed by Applicants. Accordingly, Ackerman does not disclose every limitation of any of Applicants' claims and does not destroy unity of invention among Applicants' disclosed sequence species. Applicants, therefore, request that the Examiner reconsider and withdraw rejoin SEQ ID NOs: 1, 2, 6 and 8–64 as a single invention.

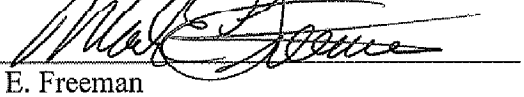
In view of the above arguments, Applicants assert that all pending claims within Groups I–II indeed share the same special technical feature, a regulatory T-cell comprising galectin-10 as a target or marker. No known or cited prior art discloses all of these claim limitations. Accordingly, applicants respectfully request that the Examiner reconsider the restriction requirement and examine all pending claims in one application.

In the event that the Examiner decides to maintain his original restriction requirement, applicants provisionally elect Group I, containing claims 1–11 and 20–26 (in part) (with traverse). In the event no asserted generic claim finally is held allowable, Applicants provisionally elect the species, "an antibody that binds galectin-10 and CD25", as required by the Examiner and set forth on page 2, line 30 of the Office action. Claims 12–19 are expressly readable on the provisionally elected species. Applicants also provisionally elect the species, "rheumatoid arthritis", as required by the Examiner and set forth on page 4, line 6 of the Office action. Claims 18–19 and 25–26 are expressly readable on the provisionally elected species. Finally, in the event no generic claim finally is held allowable, Applicants provisionally elect the species, "SEQ ID NO: 1", as required by the Examiner and set forth on page 5, line 20 of the Office action. Claims 4–6 specifically claim SEQ ID NO: 1. Applicants reserve all rights to pursue the non-elected species in one or more divisional applications, if necessary.

Applicants Petition hereby for a two-month extension of time, whereby this Response is timely filed to, and including, August 26, 2009. The required fee is paid by credit card. No

further fee is believed due. However, if any additional fee is due or credit owed, the Director is hereby authorized to charge or credit our Deposit Account No. 03-2775, under Order No. 14462-00006-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Mark E. Freeman
Registration No.: 48,143
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

712293